

Governor's Executive Orders/Proclamations

**EXECUTIVE ORDERS, PROCLAMATIONS OF
GENERAL APPLICABILITY, AND STATEMENTS
ISSUED BY THE GOVERNOR
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

EXECUTIVE ORDER 2012-02

Continued Law Enforcement Training for Immigration Laws

[M12-211]

WHEREAS, Senate Bill 1070 – the “Support Our Law Enforcement and Safe Neighborhoods Act” – was signed into law on April 23, 2010, and established a statewide policy to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States; and

WHEREAS, in accordance with Article V, Section 4 of the Arizona Constitution, the Governor is responsible for the supervision of the executive department and is obligated and empowered to protect the interests of the people and the State by taking care that the laws are faithfully executed; and

WHEREAS, Senate Bill 1070 prohibits any official or agency of this state or a county, city, town or other political subdivision of this state from limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law; and

WHEREAS, Senate Bill 1070 provides that the immigration enforcement by police agencies shall be implemented in a manner consistent with federal laws regulating immigration, protecting the civil rights of all persons and respecting the privileges and immunities of United States citizens; and

WHEREAS, Senate Bill 1070 prohibits a law enforcement official or agency of this state or a county, city, town or other political subdivision of this state from solely considering race, color or national origin in implementing Senate Bill 1070 except to the extent permitted by the United States Constitution or Arizona Constitution; and

WHEREAS, the Arizona Peace Officer Standards and Training Board (Board) was established by law to address the need for uniform peace officer selection, recruitment, retention and training standards, and to provide curriculum and standards for all certified law enforcement training facilities; and

WHEREAS, the Board is required by A.R.S. § 41-1822(A)(4) to prescribe minimum courses of training for law enforcement officers in the state and all political subdivisions; and

WHEREAS, the Board members are appointed by the Governor pursuant to A.R.S. § 41-1821, and the Governor may in accordance with A.R.S. § 41-101(A)(9), require the Board to make special reports to the Governor upon written request; and

WHEREAS, on April 23, 2010 Executive Order 2010-09 was issued establishing law enforcement training for immigration laws.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. On or before June 15, 2012, the Board shall redistribute the course of training for law enforcement officers in the state and all political subdivisions regarding the implementation of Senate Bill 1070.
2. The course of training established by the Board includes a DVD and the redistributed training materials shall include a re-chaptered version of the DVD, including brief summaries of the content of each chapter, thereby assisting trainees to identify specific portions of the training materials.
3. The redistributed training materials also shall include an explanation of documents law enforcement officers can use to determine whether identification presented to them is sufficient to presume a person is not an unlawfully present alien.
4. The course of training established by the Board and redistributed shall (i) continue to highlight and provide clear

guidance to law enforcement officials regarding what constitutes reasonable suspicion, (ii) make clear that an individual's race, color or national origin alone cannot be grounds for reasonable suspicion to believe any law has been violated, and (iii) provide statewide and uniform practices to assure that law enforcement officials and agencies are implementing Senate Bill 1070 in a manner that is consistent with federal laws regulating immigration, protects the civil rights of all persons and respects the privileges and immunities of United States citizens.

5. If the injunction as to any of the enjoined provisions of Senate Bill 1070 is lifted by the United States Supreme Court, the Board shall supplement the redistributed training materials with an explanation of any specific guidance provided by the United States Supreme Court regarding the implementation of the previously enjoined provision(s). The Board shall use its best efforts to distribute the supplemental information within thirty days of the United States Supreme Court's decision.
6. The Board shall submit a written report to the Governor no later than August 31, 2012, setting forth its compliance with this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 12th day of June in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

[M12-226]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State hereby declare the following:

Governor's Executive Orders/Proclamations

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is to eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2014 or is necessary under subparagraph (c) of this paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the Corporation Commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making process.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the office of the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person," "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.
9. This Executive Order expires on December 31, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 26th day of June in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State